

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JAMES JOSIAH BUSH,

Petitioner,

v.

WARDEN DEWAYNE ESTES and THE
ATTORNEY GENERAL FOR THE
STATE OF ALABAMA,

Respondents.

Case Number: 5:14-cv-1316-KOB-JHE

MEMORANDUM OPINION

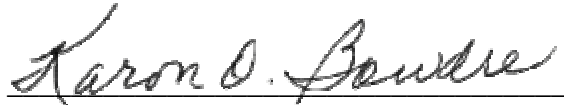
The magistrate judge entered a Report and Recommendation on April 25, 2017, recommending that the petition for writ of habeas corpus be dismissed with prejudice as time-barred. (Doc. 12). No party has filed any objections.

The court, having considered the entire file in this action, including the report and recommendation, ADOPTS the magistrate judge's report and ACCEPTS his recommendation. Therefore, the court finds that the petition for writ of habeas corpus is due to be dismissed as time-barred.

The court may issue a certificate of appealability "only if the applicant has a made a substantial showing of the denial of a constitutional right." 28 U.S.C. 2253(c)(2). To make such a showing, a "petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong," *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), or that "the issues presented were adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003) (internal quotations omitted). This court finds petitioner's claims do not satisfy either standard.

The court will enter a separate Final Order.

DONE and ORDERED this 31st day of May, 2017.

A handwritten signature in cursive script, reading "Karon O. Bowdre". The signature is written in black ink and is positioned above a horizontal line.

KARON OWEN BOWDRE

CHIEF UNITED STATES DISTRICT JUDGE